AMENDMENT TO THE DRAWINGS

Please replace Fig. 6, sheet 6 with the attached Replacement Drawing Sheet.

REMARKS

Claims 1-17 are pending in the application. By this Amendment, the specification, drawings and claims 1-6 are amended. Claims 7-17 are added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant appreciates the indication that dependent claims 4 and 5 would be allowable if rewritten in independent form. However, all of the pending claims are allowable for the reasons discussed below.

With respect to the prior art rejection, claims 1-6 stand rejected under 35 U.S.C. §102(a) as being anticipated by Nicholson, et al. (U.S. Patent No. 6,330,337). Claims 1-6 also stand rejected under 35 U.S.C. §102(e) as being anticipated by Kobata, et al. (U.S. Patent No. 6,845,308).

The rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The invention as described in claim 1, for example, is directed to a play-back device, including a plurality of play-back sources, a plurality of output units for outputting the play-back signals from the individual play-back sources a selecting unit for selecting at least one of the play-back sources and a control unit for controlling the selecting unit so as to select the at least one of the play-back sources for outputting the play-back signals to be outputted to the output units, in response to an operation.

The control unit includes a fluctuation deciding unit for selecting, when the at least one of the play-back sources is selected and when the operation to output the play-back signals from the at least one of the play-back sources to at least one of the output units is detected, the at least one of the play-back sources relating to the operation, thereby to decide whether or not a fluctuation occurs in the play-back signals to be outputted from the output units other than the at least one of the output units relating to the operation, and a selection inhibiting unit for inhibiting the selection and change to the at least one of the play-back

sources relating to the operation, when the fluctuation occurs in the play-back signals is decided by the fluctuation deciding unit (Application at page 5, line 15-page 6, line 12).

This structure is important because it can reliably prevent play back signals to be outputted to the output units, other than the at least one of the output units relating to the predetermined operation might otherwise be changed by the selection and change of the play-back sources by that predetermined operation (Application at page 5, lines 8-14).

In a conventional vehicular audio system, as described in the Background of the present Application, playback signals outputted to an output device, such as speakers, may be changed without the listener desiring the change (Application at page 3, line 25-page 5, line 5).

In contrast, an exemplary aspect of the claimed invention may inhibit a fluctuation, or change, in the play back mode. For example, if a listener in a vehicle front seat is listening to an AM radio station, and a listener in a rear seat seeks to listen to an FM radio station, the claimed invention may inhibit the selection of the FM radio station (Application at page 28, lines 1-25).

II. THE PRIOR ART REJECTIONS

A. The 102(a) Nicholson, et al. Reference Rejection

In rejecting claims 1-6 as being anticipated by Nicholson et al. (Nicholson), the Examiner alleges that Nicholson discloses each and every feature recited in the rejected claims. However, there are elements in the rejected claims that are not disclosed or suggested by Nicholson.

For example, Nicholson fails to disclose or suggest a play-back device comprising...a fluctuation deciding unit for selecting, when the at least one of the play-back sources is selected and when the operation to output the play-back signals from the at least one of the play-back sources to at least one of the output units is detected, the at least one of the play-back sources relating to the operation, thereby to decide whether or not a fluctuation occurs in the play-back signals to be outputted from the output units other than the at least one of the output units relating to the operation, and a selection inhibiting unit for inhibiting the selection and change to the at least one of the play-back sources relating to the operation, when the fluctuation occurs in the play-back signals is decided by the fluctuation deciding unit.

Nicholson discloses an automotive entertainment system that includes an AM/FM tuner, CD player and DVD player. The system may be used in a single mode (main speakers) or a dual mode (speakers and headphones) (Fig. 1; col. 2, lines 64-67)). Nicholson also discloses that "any combination of sources may be obtained as the front (i.e., primary) source and the rear (i.e., secondary) source in dual play mode, with the exception that tuner 35 produces only one broadcast signal at a time and cannot provide different radio stations simultaneously in the dual play mode" (col. 4, lines 21-29).

Although the Office Action provides no corresponding structure to the above identified claim feature, it appears that the above passage of Nicholson is relied upon as disclosing the claimed feature.

However, Nicholson merely discloses the well known limitation of such automotive entertainment centers, as described in the Background of the present Application. It is this limitation, i.e., the switching of an AM station to an FM station that is being inhibited in an exemplary embodiment of the claimed invention (see for example, Application at page 4, lines 10-17).

Thus, the mere disclosure of the tuner 35 producing only one broadcast signal at a time does not disclose or suggest a fluctuation deciding unit for selecting, when the at least one of the play-back sources is selected and when the operation to output the play-back signals from the at least one of the play-back sources to at least one of the output units is detected, the at least one of the play-back sources relating to the operation, thereby to decide whether or not a fluctuation occurs in the play-back signals to be outputted from the output units other than the at least one of the output units relating to the operation, as recited in the rejected claims.

Moreover, the mere disclosure of the tuner 35 producing only one broadcast signal at a time does not disclose or suggest selection inhibiting unit for inhibiting the selection and change to the at least one of the play-back sources relating to the operation, when the fluctuation occurs in the play-back signals is decided by the fluctuation deciding unit.

In other words, the recitation in Nicholson that the tuner can only play one station at a time fails to disclose or suggest inhibiting the change of the radio station.

Because Nicholson fails to anticipate, or for that matter render obvious, claims 1-6, withdrawal of the rejection is requested.

B. The 102(a) Kobata, et al. Reference Rejection

In rejecting claims 1-6 as being anticipated by Kobata et al. (Kobata), the Examiner alleges that Kobata discloses each and every feature recited in the rejected claims. However, there are elements in the rejected claims that are not disclosed or suggested by Kobata.

For example, Kobata fails to disclose or suggest a play-back device comprising...a fluctuation deciding unit for selecting, when the at least one of the play-back sources is selected and when the operation to output the play-back signals from the at least one of the play-back sources to at least one of the output units is detected, the at least one of the play-back sources relating to the operation, thereby to decide whether or not a fluctuation occurs in the play-back signals to be outputted from the output units other than the at least one of the output units relating to the operation, and a selection inhibiting unit for inhibiting the selection and change to the at least one of the play-back sources relating to the operation, when the fluctuation occurs in the play-back signals is decided by the fluctuation deciding unit.

Kobata relates to an on-vehicle audio control device that includes sources a cassette player 11, CD player 12, DVD player 13 and radio tuner 9 (Fig. 1; col. 3, lines 19-44 of Kobata). A switching circuit decides whether to apply audio signals to the rear speakers 5, 6. In the event that selected front and rear sources are different, the switching circuit automatically turns off to allow a listener in the rear to listen to headphones 7, 8 rather than speakers 5, 6 (col. 5, lines 4-12).

Kobata also discloses that "with the radio tuner 9, only a single mode from the three modes of AM, FM1 and FM2 can be selected" (col. 5, lines 13-17). Although the Office Action provides no corresponding structure to the above identified claim features, it appears that the above passage of Kobata is relied upon as disclosing the claimed features.

However, the cited passage of Kobata merely discloses that only one of three radio broadcast modes may be selected at a time. Thus, Kobata is illustrating a problem known in the art that results in the problem being addressed in the present Application. Specifically, in an exemplary embodiment, the present invention inhibits changing the broadcast mode. There is no disclosure or teaching of this aspect of the claimed invention in Kobata.

Instead, Kobata merely discloses selecting one of three available modes (AM, FM1, FM2).

Because Kobata fails to anticipate, or for that matter render obvious, claims 1-6, withdrawal of the rejection is requested.

IV. FORMAL MATTERS AND CONCLUSION

A. Objections to the Drawings

Fig. 6 is objected to for failing to contain a designation indicating that which is shown is old. As Fig. 6 is amended to include an identifying label, withdrawal of the objection is requested.

B. Specification

The specification is objected to for "informalities." As the specification is amended to correct the informalities, withdrawal of the objection is requested.

C. Claims

Claims 1 and 2 are amended in a manner believed to be fully responsive to the objection. Therefore, withdrawal of the claim objections is requested.

D. Conclusion

In view of the foregoing, Applicants submit that claims 1-17, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 4/19/07

Respectfully Submitted,

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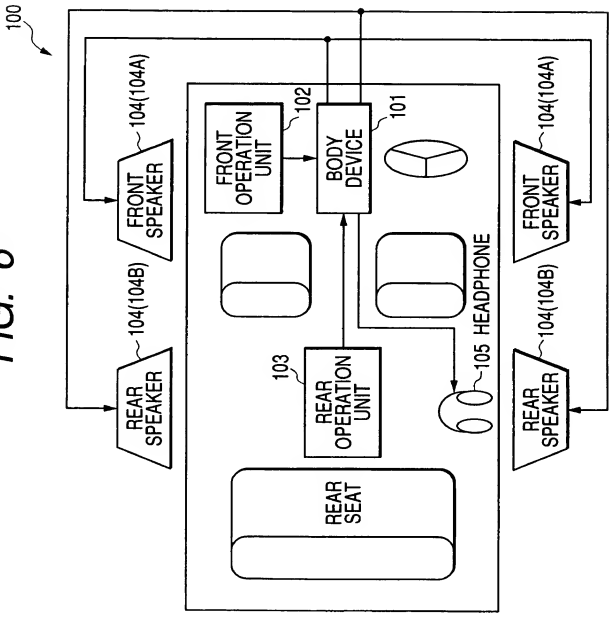
U.S. Patent Application Serial No. 10/669,777
Art Unit No. 2627
Annotated Marked-Up Drawing

FIG. 6



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